(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 558 of 2005

Appellant		Wahida Begum D/o Sultan Beg, aged about 20 years, R/o Lormi, Tahsil and Police Station- Lormi, District- Bilaspur (C.G.).
	Versus	
Respondents	1.	Omprakash Sahu, S/o Sunderlal Sahu (Owner), R/o Near – Imam Bada, Khaparganj, Bilaspur, District- Bilaspur (C.G.).
	2.	Rajju Sahu, S/o Kaliram (Driver), R/o Laxmi Chowks, Chingrajpara, Bilaspur, District- Bilaspur (C.G.).
	3.	Branch Manager, The Oriental Insurance Company Limited, Rajendra Nagar, Bilaspur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Indra Sen Sahu, Advocate for the appellant.

Mr. Vinay Harit, Senior Advocate with Shri Narayan Shrivastava, Advocate for the Respondent No.3.

ORAL ORDER

(2nd December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. In a death case, the claimant who is daughter of the deceased, aged about 20 years has preferred this appeal for more compensation. The contention of learned counsel for the appellant is that as per the postmortem report, the deceased was 55 years of age on the date of the accident and therefore, the M.A.C.T. ought to have applied multiplier 11 and not 8 as has been done by the Tribunal. The contention of learned counsel is well-founded. As per the Second Schedule, if the age of the deceased is above 50 years but not exceeding 55 years, the prescribed multiplier to be applied is 11 and therefore, the M.A.C.T. ought to have applied multiplier of 11 instead of 8. If we apply multiplier 11, the loss of dependency would be Rs. 1,10,000/-. Therefore, we award sum of

Rs. 1,10,000/- in place of Rs. 80,000/- under the head loss of dependency. The award shall stand modified accordingly. The impugned award shall remain unaltered in all other respects. The parties shall bear their respective costs in this appeal.

Sd/- **Chief Justice**	**Sd/-** **Satish K. Agnihotri** **Judge**